GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

EFS&T Department – Renewal of mining lease for Quartz, Mica and Vermiculate over an extent of 12.14 ha of forest land in Survey No.675, Perumallapadu Village, Thummalatalupur RF of Sydapuram Mandal, SPSR Nellore District in favour of M/s.Nagendra Mines and Minerals, Gudur – Extension of validity of the Forest clearance approval as co-terminus with the period of mining lease - Orders - Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (Section-II) DEPARTMENT

G.O.Ms.No.11 **Dated:16.03.2022**

Read the following:-

1)G.O.Ms.No.49, Industries & Commerce (Mines.II) Dept., dt.27.01.1977.
2)From the PCCF, A.P., Hyderabad Lr.No.9220/98/F2, dt.21.4.1998.
3)State Govt.Letter No.1470/For.I/98-1, dt.30.05.1998.
4)From the GoI, MoE&F, Bangalore, Lr.F(C)A/16.1/AP/46/MIN/3690, dt.23.02.2001.
5)G.O.Ms.No.23, EFS&T(For.I) Dept., dt.22.03.2001.
6)G.O.Ms.No.107, Industries & Commerce (Mines.I) Dept., dt.02.05.2007.
7)G.O.Ms.No.103, Industries & Commerce (Mines.III) Dept., dt.24.07.2017.
8)GoI, MoEF&CC, (F.C. Division), New Delhi, Lr.No.11-51/ -FC, dt.30.11.2017.
9)Representation of M/s. Nagendra Mines and Minerals, SPSR Nellore District, dt.12.03.2018.
10)Govt.Memo.No.1548/Sec.II/2018, EFS&T(Sec.II) Dept., dt.01.05.2018.
11)From the PCCF&HoFF, Lr.No.Ref.EFS02-15029/27/2019-FCA SEC.PCCF, dt.18.05.2018.
12)Comprehensive Guidelines issued by the GoI, MoEF&CC, New Delhi vide Lr.No.F.No.5-2/2017-FC, dt.28.03.2019.
13)Govt.Memo.No.1548/Sec.II/2018, EFS&T(Sec.II) Dept., dt.20.03.2020.
14)From the GoI, MoEF&CC (FC.Division), New Delhi, Lr.File No.FC-17MP/2/2021-FC, dt.23.07.2021 along with D.O.Lr.No.MoS/MSME & FAHD/2021/2449, dt.29.06.2021 of Hon'ble State Minister, Micro, Small & Medium Enterprises and Fisheries, Animal Husbandry & Dairying, GoI, New Delhi.
15)Govt.Memo.No.1548/Sec.II/2018, EFS&T(Sec.II) Dept., dt.09.08.2021.
16)From the PCCF&HoFF, Lr.No.Ref.EFS02-15029/27/2018-FCA SEC-PCCF/FCA-3, dt.25.08.2021.
17)State Govt.letter No.1548/Sec.II/2018, EFS&T(Sec.II) Dept., dt.29.09.2021.
18) From the GoI, MoEF&CC (FC Division), New Delhi, Lr.File No.FC-17MP/2/2021-FC, dt.06.01.2022.

***

ORDER:

In the G.O. 1st read above, orders were issued sanctioning mining lease for Quartz, Mica and Vermiculite for a period of 20 years over an extent of 40.00 Acres in Survey No.675, Perumallapadu Village, Rapur taluk, Nellore District in favour of M/s. Nagendra Mines & Minerals, subject to the provisions of Mines and Minerals (Regulation & Development) Act, 67/1957 and also the Mineral Concession Rules, 1960.

2. In the letter 2nd read above, the Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh, Hyderabad has submitted a proposal for diversion of 12.14 ha of forest land for renewal of mining lease for Quartz, Mica and Vermiculate in Sy.No.675 of Pemullapadu (V), Thummala R.F., Rapur Taluk, Nellore District in favour of M/s Nagendra Mines and Minerals and requested to forward the proposal to Government of India, Ministry of Environment, Forests for their approval under Forest (Conservation) Act, 1980.

3. In the letter 3rd read above, the proposal of the Principal Chief Conservator of Forests, Andhra Pradesh, was sent to Government of India, Ministry of Environment & Forests, Bangalore for its approval under Section –2 of the Forest (Conservation) Act, 1980.

4. In the letter 4rd read above, the Government of India, Ministry of Environment & Forests, Bangalore has conveyed its approval (State-II) for diversion of 12.14 ha of forest land in Sy.No.675, Permullapadu (V), Thummala RF, Rapur Taluk, Venkatagiri Range, Nellore Forest Division, Nellore District in favour of M/s Nagendra Mines and Minerals for mining purposes for a period of 10 years with effect from i.e.23.02.2001, subject to certain conditions stipulated therein. Accordingly, orders were issued in the G.O.5th read above, for the said proposal for a period of 10 years with effect from i.e.23.02.2001, subject to certain conditions stipulated therein.

5. In the G.O.6th read above, orders were issued granting 1st renewal of mining lease for Quartz, Mica & Vermiculite over an extent of 30.00 Acres (12.14 ha) in Sy.No.675 of Perumallapadu (V), Thummalatalupur RF, Syadapuram (M), Nellore District in favour of M/s Nagendra Mines and Minerals for a further period of 20 years w.e.f.23.02.2001 i.e. the date of approval of Government of India, Ministry of Environment & Forests, Bangalore, subject to condition that the lessee should produce Forest Clearance for a further period of 10 years on or before 22.02.2011 and also subject to the provisions of Mines and Minerals (D&R) Act, 1957 and under Mineral Concession Rules,1960.

6. In the G.O.7th read above, orders were issued extending the mining lease for a period of 50 years upto 03.06.2027 for Quartz, Mica and Vermiculite over an extent of 30.00 Acres (12.14 ha.) in Sy.No.675 of Perumallapadu (V), Thummalatalupur RF area, Syadapuram (M), SPSR Nellore District in favour of M/s Nagendra Mines and Minerals under section 8-A(3) of MM(D&R) amendment Act, 2015, subject to DGPS Survey, valid MRCC, production scheme of Mining against the subject mining lease and also subject to the condition that all the terms and conditions of the lease are to be complied with.

7. In the representation 9th cited, the User Agency has requested for extension of the period of validity of forest clearance of the proposal for a period of (50) years upto 03.06.2027 in pursuance of the G.O.Ms.No.103, Industries & Commerce (M.III) Dept., dt.24.07.2017. In this regard, the Principal Chief Conservator of Forests & Head of Forest Force, was requested to examine the issue and take necessary action in the matter vide Govt.Memo.10th read above.

8. In the letter 11th cited, the Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh stated the Government of India vide F.No.11-51/2015-FC, Dt.01-04-2015 issued guidelines regarding extension of period of validity of approvals accorded under the Forest (Conservation) Act, 1980 for diversion of forest land for mining projects states in case of existing mining leases in respect of minerals specified in sub-section (1) of Section 8-A of the MMDR Act, 1957, as inserted by the M&M (D & R) Amendment Ordinance, 2015, period of validity of approvals accorded under section-2 of the Forest (Conservation) Act, 1980 shall be extended and shall be deemed to have been extended upto a period co-terminus with the period of mining lease in accordance with the provisions of the MMDR Act, 1957, as amended, subject to conditions stipulated therein.

9. As per the amended provisions in respect of minerals specified in sub-section (1) of Section 8-A of the MMDR Act, 1957, as inserted by the M&M (D&R) Amendment Ordinance, 2015, the extension of lease may be recommended to the Government of India, for mining of Quartz, Mica and Vermiculite over an extent of 12.14 Ha. in Sy.No.675, Perumallapadu Village, Thummalatalupur RF, Sydapuram Mandal, SPSR Nellore District, Andhra Pradesh, in favour of M/s.Nagendra Mines & Minerals, Gudur, SPSR Nellore District subject to fulfillment of conditions like payment of N.P.V. etc., under Section-2 of Forest (Conservation) Act, 1980 as deemed extension and co-terminus with the period of extension of mining lease in pursuance of G.O.Ms.No.103, Industries & Commerce (M.III) Dept, dt.24.07.2017 for (50) years upto 03.06.2027.

10. In the letter 14th read above, the Government of India, Ministry of Environment, Forests & Climate Change, New Delhi, has requested to examine the matter and furnish the factual report at the earliest. In turn, the Principal Chief Conservator of Forests & Head of

Forest Force, was requested to furnish the information for taking further action in the matter vide in the Govt.Memo.15th read above.

11. In the letter 16th read above, the Principal Chief Conservator of Forests & Head of Forest Force, has stated in the Govt.Memo.No.4975/Sec.II(A2)/2008, dt.25.01.2016 duly quoting the representation of the User Agency dt.12.11.2015, requested to furnish the revised proposal in complete shape as per the procedure specified in Forest (Conservation) Act, 1980. Accordingly, instructions issued to Divisional Forest Officer, SPSR Nellore to furnish the revised proposal and also instructed to take back the forest land over an extent of 12.14 ha in Sy.No.675, Perumallapadu, Tummalatalupur RF, Nellore. Accordingly, the user agency has handed over the leased forest land over an extent of 12.14 ha. to Forest Department on 07.07.2017 and the land is taken over by FRO, Venkatagiri. At present the land in procession of Forest Department.

12. On the applicability of the lease period as contemplated in the Amendment of MM(D&R) Act, 2015, the Director of Mines and Geology, Andhra Pradesh in Lr.No.121094/R-3-3/2015, dt.5.9.2017 has given clarification to consider the request made by the lessee for issue of necessary clearance for the lease period upto 03.06.2027, as the Government has already issued orders in G.O.Ms.No.103, Ind&Comm (M.III) dept, dt.24.07.2017 under Section 8-A(3) of MM(D&R) Amendment Act, 2015.

13. Smt.Sk.Zubeda Begum, W/o Late Abdul Khuddus, Nellore, M/s Nagendra Mines and Minerals, filed W.P.No.17659/2020 in the Hon'ble High Court of A.P., seeking extension of Mining lease for 50 years. The Hon'ble High Court of AP have disposed off the above WP with a direction to the 3rd Respondent (PCCF & HoFF) to dispose the representation of M/s Nagendra Mines & Minerals dt.22.07.2019 within 3 months from the date of receipt of copy of the orders of Hon'ble High Court, A.P. The Conservator of Forests, Guntur Circle, Guntur has issued instructions to DFO, SPSR Nellore to furnish revised proposals for renewal of mining lease in complete shape. The renewal proposal is awaited from the User Agency through DFO, SPSR Nellore and the CF, Guntur.

14. The successor lessee i.e., Sk. Jubeda Begum, of M/s Nagendra Mines and Minerals has made representation on dt.30.01.2021 and informed that her husband Sri Sk. Abdul Khuddus holding a mining lease of M/s Nagendra Mines and Minerals was expired on 21.03.2020 and the ADMG, Nellore in his proceedings No.615/M/1977, dt.8.10.2020 declared her as successor lessee of mining lease held by her husband in the name of M/s Nagendra Mines and Minerals.

15. In the letter 17th read above, while furnishing the factual report of the proposal, the Government of India, Ministry of Environment, Forests & Climate Change, was requested to examine the issue and pass suitable orders and communicate the same as early as possible in the matter.

16. In the letter 18th read above, the Government of India, Ministry of Environment, Forests & Climate Change, New Delhi, has informed as per the documents/information, the Mining Lease extension of such cases apparently falls under the provision of the Ministry's guidelines, dt.01.04.2015 & 01.05.2015 (now as in para 7.3 (iii) of comprehensive guidelines issued on 28.03.2019). In this regard, they have requested to take appropriate action/ decision accordingly.

17. After careful examination of the proposal and as per para 7.3 (vi) of Chapter -7 of Comprehensive Guidelines issued by the Government of India, Ministry of Environment, Forests & Climate Change in the letter 12th read above, Government hereby order that the validity of the forest clearance accorded by the Government of India, Ministry of Environment & Forests letter dt.23.02.2001 under Section-2 (ii) of Forest (Conservation) Act, 1980 for diversion of 12.14 ha. of forest land in Sy.No.675 of Perumallapadu Village, Thummalatalupur RF, Sydapuram Mandal, SPSR Nellore District for extraction of Quartz, Mica & Vermiculite in favour of M/s. Nagendra Mines & Minerals, shall be for a period co-

terminus with the period of mining lease i.e., 03.06.2027 granted by the Industries & Commerce (M.III) dept., vide G.O.Ms.No.103/I&C(M.III) Dept., dt.24.07.2017, under section 15 of MMDR Act, 1957, subject to compliance of conditions stipulated in the Stage-II approval accorded by the Government of India, Ministry of Environment, Forests & Climate Change, Lr.dt.23.02.2001 duly taking undertakings for the conditions that were non-complied and also the conditions stipulated under Para 7.3 (vi) of Chapter 7 of the Comprehensive Guidelines issued by the Government of India, Ministry of Environment, Forests & Climate Change in the letter dt.28.03.2019.

18. The Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh, shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)
NEERABH KUMAR PRASAD
SPCIAL CHIEF SECRETARY TO GOVERNMENT

To
The Principal Chief Conservator of Forests & Head of Forest Force,
Andhra Pradesh, Guntur.

Copy to:

The Assistant Inspector General of Forests,
Government of India, MoEF&CC (FC-Division),
Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi-110 003.

The Inspector General of Forests (Central)
Government of India, Ministry of Environment, Forests & Climate Change
Integrated Regional Office, Vijayawada,
Green House Complex, Gopal Reddy Road,
Vijayawada-520010.

The Additional Principal Chief Conservator of Forests (Central)
Government of India, Ministry of Environment & Forests,
Regional Office, 1st and 2nd Floors,
Handloom Export promotion Council Building
34, Cathedral Garden Road, Nungambakkam, Chennai – 600034.

M/s. Nagendra Mines & Minerals, SPSR Nellore District.
The P.S to Hon'ble M(EEFS&T)
The P.S to Spl.CS, EFS&T Department.
SF/SC.

// FORWARDED :: BY ORDER //

N. Jagadeeswaru
SECTION OFFICER